S Dep No. 12
1953.57.

File No. R 39 II

Part Z/102

646

RW(II) at 21.)21

Karnatak
B Class

Rehabilitation DEPARTMENT

A BRANCH –

Subject:— Loans :-

Applications for grant of ——

to refugees from Pakistan ——

Previous pps in part Z/101

Subsequent Z/103

(Splitted up from original file R 39 II pt. Z/1

B' Dy
23/3/53/57

(P) 12
E)

D-4

File No. R 39 II pt. Z/102

Karnatak
B Class

Ltd. Scott. Slip. 24 A

Subject :- Recovery of loan from the displaced pe sons Shri Thakur al Watanchand ..since deceased.

No. .E S.O. 337
Dolraan 4th arch 1953.

To

The Secretary to the Government of Bombay
Rehabilitation Department, Bombay.

Cne Shri Thakurmal Watanchand a displaced person residing in the Sindhi Colony at Amalner was granted a loan of Rs.500/- (Rs.five hundred only) on 27-3-1950 to enable him to do business in cloth. He died on 1-5-1952 leaving behind him two sons viz., Shri Sundardas aged 28 and Shri K sanchand a ed 21. Both the sons of the deceased are conducting a rationing shop in the Sindhi colony at Amalner and are also doing some cloth business. They are living jointly.

Shri Sundardas was asked to repay the amount of loan due from his deceased father. A show cause notice was also issued to him as to why his cloth licence and the the licence of dealing in ration shop should not be cancelled in the event of his refusal to pay the dues. In response to the notice issued Shri Sundardas has stated before the Circle Inspector Amalner that he is willing to repay the loan amount but is unable to do so at present as his business has been dull and it is difficult for him to make both ends meet in the present financial depression. He therefore requests that the amount of the loan due from his deceased father may be deducted from the amount of verified claim of the property of the deceased left in Pakistan. The verified claim amount to Rs.6000/- (six thousand and xx five hundred only).

In the circumstances it is recommended that Shri Sundardas who is the eldest son of the deceased may please be permitted to apply for postponement of the recovery of the loan instalment.

For Collector East Khandesh.

Rehabilitation Department.

Please see the foregoing letter from the Collector of East Khandesh which is self-explanatory.

2. Please see in this connection order issued under G.P.R.H.D. No. 39 A. of 14th Oct. 1952. In accordance with those orders, the the person in whose name the utilised claim stands is to be made a party to the application for postponement of the recovery of the loan against that particular claim.

3. As in this particular case the person in whose name the claim stands - (i.e. the loanee) is since deceased it is obvious that the son of that person cannot apply for postponement of the recovery of his father's loan, against his fater's verified claim.

4. Indidentally it is not clear how the son is called upon to repay the dues of his father. Possibly he might have inherited some assets created out of the loan amount granted., for otherwise he cannot be justifiably called upon to repay his fater's dues. We may, however, ascertain this from the collector.

5. Moreover the Collector's letter does not indicate whether he has taken any action against the sureties of the loanee. As the loanee is deceased, the sureties are liable to repay the dues concurrently with any other persons that may be liable to repay the same. Perhaps the Collector has not taken any action in this direction. He may be advised to do it now, it the sureties are available for action.

6. We may, however, also take up with the Government of India, the general point raised by the Collector viz., "whether the son of a loanee (who if and when is justifiably called upon to repay this father's dues) can apply for postponement of the recovery of dues, against the verified claim of 'his father" as that point is not covered by the existing order of the Govt. of India.

7. If approved the Draft put up may issue.

Subject :- Recovery of Government dues from D.Ps. having certified claims- postponement of ...

No. RSC WS 1070.
Jalgaon 1st May 1953.

To

The Asstt. Secretary to the Government,
Rehabilitation Department, Bombay,
Bombay.

Reference:- Govt. letter No.R.39/9696-A dated 22-4-53.

Shri. Thakumal Ratanchand the deceased loanee was managing the Ration Shop No.19 at Amalner and had invested the loan amount in the shop, On his death the shop was being managed by Shri. Sundardas Thakumal, the eldest son of the deceased and as such the son had inherited some assets created by the loanee out of the loan amount granted to him. Moreover the son being the heir of the deceased becomes owner of the property left by his father by inheritance. In the above circumstances he was called upon to repay the dues.

Both the sureties of he loanee are not available as one of them has absconded while the other is dead. The amount can not therefore be recovered from them.

/-

For Collector, East Khandesh.

Rehabilitation Department.

Receive of reply from the Chief Settle ment Commissioner Collecter to our letter No.R 39/9696-A, D d/-22-4-53 may be awaited till 31-5-53.

No : F-1(1)-L/52(II)
Government of India.
Ministry of Rehabilitation.
Office of the Chief Settlement Commissioner.

...

Khan Market, New Delhi-1.

Dated the 4th May, 1953.

From

The Chief Settlement Comissioner &
Ex-Officio Joint Secretary to the
Government of India.

To

The Secretary to the
Government of Uttar Pradesh,
Relief & Rehabilitation Department,
Lucknow.

Subject:- Postponement of recovery of loan from displaced persons having verified claims.

.....

Sir,

With reference to your letter No : RFG/AC/60CM/-52/532, dated the 25th April, 1953, on the subject noted above, I am directed to state that in cases in which the borrower has died , action may be taken as follows:-

(a) If the deceased borrower has a verified claim to his credit, his heirs or co-sharers, etc., may be allowed to apply for postponement of the dues outstanding against him. If in any case the heirs of the deceased hesitate to do so, the particulars of the verified claim of the deceased borrower may be sent to this office where necessary action would be taken.

(b) In case where the deceased borrower has no verified claim at his credit, his surety, if any, or his near relatives may be asked to apply for postponement if they have verified claims to their credit, provided they are willing to have the loan of deceased borrower adjusted against their own verified claims.

Yours faithfully,

Sd/-

(K.S.Kane)
for Chief Settlement Commissio

(P.T.O.

Copy to :-

The Secretary to he Gocernment of Bombay,
Rehabilitation Department, Bombay, with
reference o his letter No: R.38/9696-A,
the 22nd April,1953.

Sd/-

(K.S.Kane.)
For Chief Settlement Commissioner.

Rehabilitation Department
'A' Br.

Submitted with reference to para 6 of o.u. ,
dated the 13th April 1953.

The accompanying draft orders in terms of
the clarification given by the Government of India may issue. A
copy of the foregoing Government of India letter may
also be forwarded to Education Departedmt for necessary
action so far as the scheme of financial Assistance to
displaced students is concerned.

Postponement of recovery of Govt. Dues from displaced persons having Verified claims.

GOVERNMENT OF BOMBAY.
Rehabilitation Department.
Resoln.No.R.39-A.
Secty., Etc. 19th June'53.

Read G.R., RHD., No.R.39-A, dated the 19th May 1952.

Read G.L.,RHD., No. R.39/9696-A,dated the 22nd April 1953, addressed to the Chief Settlement Comr. and Ex-Officio Jt. Secy. to the Govt. of India. Ex. Of R., copy endorsed to the Collector of E.K.

Read letter from the Chief Settlement Comr. and Ex-Officio Jt. Secy. to the Govt. of India, E. of R., No.F-1(1)-L/52(II), dated the 4th May 1953.

RESOLUTION:- Govt. is pleased to direct that in cases where a deceased displaced person has verified claim to his credit, his heirs, executors, administrators, co-shares etc., as the case may be, should be advised to apply for postponement of recovery of the Govt.dues outstanding against him under the scheme sanctioned in G.R.,RHD., No.R.39-A, dated the 19th May 1952. If his heirs, executors administrators, or co-sharers, as the case may be, decline or show reluctance to act upon the advice, the name of the deceased person and the names of his heirs, executors, administrators, or co-shares, as the case may be, and full particulars of the verified claim should be forwarded by the recovering authority concerned to the Chief Settlement Comr. direct for such further action as the latter may deem fit to take in the matter. In cases where a deceased desplaced person has no verified claim to his credit, his surety or sureties, if any, or his near relatives should be advised to apply for postponement of recovery of the Govt. dues outstanding against him if they have verified claims to their credit and are agreeable to the dues being adjusted against the verified claims.

By order, etc.....
O/c.

Asstt. Secy, to the Govt. of B'bay,RHD.

(P.T.

The Collr. of B'bay & B.S.D. (Rehabn.Br.),

All other Collrs. (except the Collr. of Thana),

The Administrator, U.T.,

The Administrator, Sardarnagar Township,

All Officers-in-charge, D.Ps. Colonies,

The D. of I.,

The Regr. of C.S. and Dir. of Agrl. Marketing and R.F.,

The Jt. Regr. for I.C.& V.I.,

All Asstt. Regrs. of C.S.,

The A.G., B'bay

The Dy. A.G., BArodL,

The EX., O.A.D.,

All Deptts. of the Sectt.,

The Chief Settlement Commr. and Ex-Officio Jt. Secy. to the Govt. of India, M. Of R., New Delhi, (By letter).

Below a copy of a letter from the Chief Settlement Commr. and Ex-Officio Jt.Secy. to the Govt. of India, M. of R., No.F-1(11)-L/52(II), dated the 4th May, 1953.

No.R.39/17906-A.
Rehabilitation Department.
Sectt., etc. 26th Jun 1953.

Forwarded to the Education Deptt. for necy. action, so far as the scheme for financial assistance to displaced, ~~xxxxxxxxxxx~~ students and trainees form Pakistan is concerned, with ref. to Government Endt., RHD.,No.Rs.39/16027-A, dated the 15th May 1952.

By order, etc....

o/c

Asstt.Secy. to the Govt. of Bombay,RHD.

No.R.39-A.
Rehabilitation Department,
Secretariat(Annexe), Fort,
Bombay(1), 26th Jun, 1953.

From

Shri J.C.Fernandez, B.A., B.Sc.,
Assistant Secretary to the Govt. of Bombay,
Rehabilitation Department.

To

The Chief Settlement Commissioner and Ex-Officio,
Joint Secretary to the Government of India,
Ministry of Rehabilitation,
New Delhi.

Subject:- Postponement of recovery of Government dues from displaced persons having verified claims.

Sir,

I am directed to forward herewith a copy of Government Resolution, Rehabilitation Department No.R.39-A, dated the 19th June 1953, on the above mentioned subject, for your information.

Yours faithfully,

Sd/-

(J.C.FERNANDEZ)
Assistant Secretary to the Govt. of B'bay
Rehabilitation Department.

D.L.
7.7.